

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

HC2, INC,

Plaintiff,

-against-

GREGORY MESSER,

Defendant.

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1:20-CV-3178-LJL

**REPLY DECLARATION OF
MICHAEL NACCHIO IN SUPPORT
OF HIS MOTION FOR AN ORDER
TERMINATING HIS
APPEARANCE**

I, Michael Nacchio, Esq., hereby declare under penalty of perjury:

1. I am an attorney-at-law and a Shareholder in the firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., counsel for Plaintiff HC2, Inc. (“Plaintiff”). I submit this declaration in reply to the opposition submitted by non-party Andrew Delaney (“Mr. Delaney”) and in further support of my motion to withdraw as counsel for Plaintiff.

2. Mr. Delaney’s *ad hominem* opposition is frivolous. Specifically, this Court entered so-ordered the “Stipulation of Withdrawal of Motion for Sanctions” on November 12, 2021, executed between Plaintiff and Mr. Messer. (ECF No. 148). Thereafter, this Court entered its order dated January 6, 2022, “to inform nonparty Andrew Delaney that nonparties are not permitted to file documents in a case unless they have been granted permission to intervene under Rule 24 of the Federal Rules of Civil Procedure. If a nonparty makes a filing without having been granted permission to file documents in this case, the Clerk of Court will be directed to strike those documents from the docket.” ECF No. 165).

3. I respectfully request that the Court order my withdrawal and termination as counsel for HC2, Inc., as I will no longer be employed by the law firm representing Plaintiff in this action, effective October 24, 2023.

Respectfully Submitted,

By: /Michael Nacchio
Michael Nacchio

Dated: October 19, 2023

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